

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

714D0626

SENATE EDUCATION COMMITTEE ENGROSSED NO. **HB1257** - 2/23/00

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsors.

Introduced by: Representatives Garnos, Brown (Richard), Earley, Fiegen, Kooistra, Lucas, and McCoy and Senator Olson

1 FOR AN ACT ENTITLED, An Act to enhance learning in public schools, reimburse nationally
2 certified teachers, establish an Office of Education Technology, study the public education
3 workforce, increase the voting requirement for school district referenda, and limit certain
4 transfers of school funds.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

6 Section 1. The South Dakota Board of Education and the Department of Education and
7 Cultural Affairs shall work jointly with other state government agencies to ensure that children
8 enter the K-12 education system ready to learn. The board and the department shall jointly work
9 to develop standards and practices that ensure that, by the third grade, all children, to the best
10 of their abilities, have learned fundamental reading, mathematics, language, science, and
11 technology skills that form the foundation for further learning. The board and the department
12 shall work together to develop standards and practices that ensure that, by completion of the
13 twelfth grade, all students, to the best of their abilities, have learned the educational and personal
14 skills that will allow them to enter adulthood as responsible members of society.

15 Section 2. The Department of Education and Cultural Affairs shall establish the Advanced

1 Reading Enhancement Program to assist and strengthen the teaching and learning of reading in
2 grades one and two. Early intervention reading strategies shall promote growth in word
3 recognition and comprehension through focused reading and writing activities. The department
4 shall develop and provide a comprehensive statewide program that will offer technical assistance
5 to school districts and offer professional development in research-based classroom practices that
6 allow teachers to analyze instruction, assessment, and achievement, and set goals for
7 improvement.

8 Section 3. The Department of Education and Cultural Affairs shall establish a program to
9 reimburse public school teachers for the application and processing fee for the National Board
10 for Professional Teaching Standards certification process. The reimbursement shall include any
11 federal funds that may be available through a candidate subsidy program. The reimbursement
12 shall be paid upon receipt of documentation that the teacher successfully completed all
13 certification requirements and was awarded the credential.

14 In addition to the reimbursement provided pursuant to this section, a teacher who teaches
15 in a public school and who has obtained certification by the National Board for Professional
16 Teaching Standards shall receive a payment of two thousand dollars per year for five years. The
17 stipend shall be paid as follows:

18 (1) One thousand dollars from the Department of Education and Cultural Affairs;

19 (2) One thousand dollars from the school district where the teacher is employed.

20 The Board of Education shall adopt rules, pursuant to chapter 1-26, to establish guidelines
21 necessary to implement the program.

22 Section 4. The Department of Education and Cultural Affairs shall research and analyze the
23 demographics of South Dakota's public education workforce, with an emphasis on the
24 geographic distribution of K-12 teachers, their years of experience, years until retirement, and
25 their areas of educational expertise. The department shall also research and analyze teacher

1 vacancies by geographic location, areas of expertise, and compensation level.

2 Section 5. There is hereby established an Office of Educational Technology in the
3 Department of Education and Cultural Affairs. Its exclusive role shall be assisting local school
4 districts in using educational technology. Its purposes shall include researching, analyzing,
5 procuring, and distributing programs and methods using educational technology in South Dakota
6 K-12 schools and classrooms.

7 Section 6. Pursuant to § 13-1-12.1, the Board of Education shall examine programs that
8 prepare and certify school personnel, identify deficiencies, and establish revised standards
9 designed to deliver more qualified staff to classrooms. The board's review shall identify ways to
10 streamline the alternative certification process whereby persons holding a bachelor's degree or
11 higher can be certified to teach in elementary and secondary schools.

12 Section 7. The Department of Education and Cultural Affairs, the colleges of education at
13 public universities, and the Board of Education shall jointly examine the teacher preparation and
14 administrator preparation programs at the public universities. They shall file a report by
15 November 15, 2000, and deliver it to the Governor, the Legislature, and the Board of Regents.
16 The report shall describe the programs, explain strengths and deficiencies in the programs, and
17 recommend actions to improve the programs.

18 Section 8. That § 13-16-6.4 be amended to read as follows:

19 13-16-6.4. Approval to enter into an agreement or issue capital outlay certificates to which
20 § 13-16-6.3 applies is subject to a referendum if five percent of the registered voters, based upon
21 the total number of registered voters at the last preceding general election, petition, within
22 twenty days thereafter, to have the question of approval or disapproval of the agreement or issue
23 of capital outlay certificates or the lease-purchase agreement placed upon the ballot at the next
24 regular election or at a special election called for that purpose. The business manager shall give
25 notice of the fact that the question will be on the ballot at a regular or special election as

1 provided by law for school elections and prepare official ballots therefor according to the
2 provisions of this Title relating to elections and the issue shall be decided by ~~a majority~~ sixty
3 percent of those voting thereon.

4 Section 9. That chapter 13-16 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Notwithstanding the provisions of § 13-16-26, no school district may transfer more than
7 thirty thousand dollars in any year from the general fund to the capital outlay fund. Any school
8 district whose average teacher salary is less than the statewide average teacher salary, as
9 determined by the Department of Education and Cultural Affairs, in the 1999-2000 school year,
10 may not transfer any money from the general fund to the capital outlay fund. Any school district
11 that transferred money in excess of thirty thousand dollars from the general fund to the capital
12 outlay fund after June 30, 1999, but before July 1, 2000, shall transfer such money back to the
13 general fund.

14 Section 10. That chapter 13-16 be amended by adding thereto a NEW SECTION to read as
15 follows:

16 The school board of any school district with an ending general fund balance that exceeds
17 twenty-five percent of its general fund expenditures for the school fiscal year ending June 30,
18 1999, shall develop an educator salary enhancement plan. The plan shall cover multiple years and
19 increase salaries for all employees of the school district, except for the salary of the chief
20 administrator and business manager. The school board shall conduct at least two public hearings
21 on the plan after having given notice by publication at least twice in its official newspaper at least
22 ten days before each hearing. Each notice shall clearly state that the purpose of the hearing is to
23 develop a plan to reduce the school district's general fund balance by providing higher pay to the
24 school district employees. The first hearing shall be held at the beginning of the plan development
25 process. The second hearing shall be held upon completion of the plan development process. The

1 board may not adopt the plan before the second public hearing. The board shall also publish a
2 summary and details of the plan twice in the district's official newspaper prior to the second
3 public hearing. The educator salary enhancement plan shall include the criteria by which the
4 school board will increase salaries. Such criteria shall, at a minimum, include employee
5 performance, employee skills, employee knowledge, and student achievement. The criteria may
6 include other factors such as the educational degrees earned or the number of credit hours
7 attained, but they shall not outweigh employee performance, employee skills, employee
8 knowledge, and student achievement in determining an individual's salary enhancement under this
9 plan. The plan, upon approval by the local school board, shall be filed with the Department of
10 Education and Cultural Affairs.

1 **BILL HISTORY**

2 1/24/00 First read in House and referred to committee assignment waived. H.J. 194

3 1/25/00 Referred to Education.

4 2/3/00 Scheduled for Committee hearing on this date.

5 2/3/00 Education Do Pass Amended, Passed, AYES 10, NAYS 2. H.J. 383

6 2/7/00 House of Representatives Deferred to another day. H.J. 469

7 2/8/00 House of Representatives Placed on Calendar. H.J. 490

8 2/8/00 Motion to Amend, Passed. H.J. 490

9 2/8/00 House of Representatives Do Pass Amended, Passed, AYES 44, NAYS 24. H.J. 490

10 2/9/00 First read in Senate and referred to Education. S.J. 399

11 2/17/00 Scheduled for Committee hearing on this date.

12 2/17/00 Education Deferred to another day.

13 2/22/00 Education Hog Housed.

14 2/22/00 Scheduled for Committee hearing on this date.

15 2/22/00 Education Do Pass Amended, Passed, AYES 4, NAYS 3. S.J. 602